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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,068	04/05/2001	Wilko Juurt Jan Kuiper	PTT-89/APP	7219

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EXAMINER

CHAVIS, JOHN Q

ART UNIT	PAPER NUMBER
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2124

DATE MAILED: 09/28/2004

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/827,068

Applicant(s)

KUIPER, WILKO JUURT JAN

Examiner

John Chavis

Art Unit

2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Jennings et al.

Claims

1. A computer knowledge system, for operation in a computer environment using a plurality of hardware and software components operatively arranged for enabling a plurality of business processes, said computer knowledge system comprises:

a monitoring agent, arranged for collecting data providing information about the operation of said hardware and software components;

a relational database, storing data providing information about the operation of said business processes and error data relating to erroneous operation of said hardware and software components; and

a user interface, arranged for providing information about the operation of said business processes using said data collected by said monitoring agent and said data stored in said relational database,

said relational database being arranged

Jennings

See the Intro. and Sect. 1, specifically the last para. on pg. 32.

See the IMM item in sect. 2.2.

See the 2nd para. of sect. 2.

This feature is inherent to enable the constraints of fig. 2. See also the 1st para. of sect. 4.

See the 2nd para of sect. 3.

for providing information towards said user interface about the impact on the operation of said business processes of an erroneous operation of said hardware and software components.

2. A computer knowledge system according to claim 1, wherein said relational database comprises data identifying functional transactions within said business processes and dependencies between functional transactions of said business processes, wherein said user interface is arranged for correlating said error data and said functional transactions data for providing said information about the impact on said business processes of an erroneous operation of said hardware and software components.

See the 2nd para. on pg. 33 and the 2nd para. of sect. 3.

3. A computer knowledge system according to claim 2, wherein said user interface is arranged for providing said information about said business processes indicating at least one of a group comprising:

See sect. 2.3

the extent to which business processes are influenced by a disturbance in said software and hardware components;

the extent to which business processes are influenced by a functional error in said hardware and software components;

the extent to which business processes are influenced by a functional error in said hardware and software components;

which functional error cannot directly be monitored;

the extent to which business processes are

influenced by an externally applied change, such as a predetermined change for performing impact analyses, in said hardware and software components; and

the extent to which business processes are available in the case of an erroneous operation of said hardware and software components.

4. A computer knowledge system according to claim 1, further comprising a historical database, storing historical data about erroneous operation of said hardware and software components and the impact thereof on said business processes, wherein said user interface is arranged for providing said information about the impact on said business processes of an erroneous operation of said hardware and software components using said historical data.

See the 2nd para. of sect. 4.

5. A computer knowledge system according to claim 1, wherein said user interface is arranged for providing said information about the impact on the operation of said business processes of an erroneous operation of said hardware and software components in a predetermined format adapted to the

See the 4th para of sect. 3.

user of said information.

6. A computer knowledge system according to claim 1, wherein said user interface is arranged for providing said information about the impact on said business processes of an erroneous operation of said hardware and software components in terms of its impact on at least one of a group comprising: functionality of the business processes;

usability of the business processes;

maintainability of the business processes;

efficiency of the business processes;

reliability of the business processes; and

changeability of the business processes.

See the last para. of sect. 3.

7. A computer knowledge system according to claim 1, wherein said monitoring agent, said relational database and said user interface connect through a central agent.

See fig. 1, item CM of resp. agent.

8. A computer knowledge system according to claim 1, wherein said monitoring agent is arranged for collecting information about the operation of said hardware and software components using at least one of a group comprising: workflow data provided by said computer environment;

See sect. 2.3

system monitoring data; and

data accumulated in a data warehouse of said computer environment.

9. A computer knowledge system according to claim 8, wherein said monitoring agent comprises a knowledge module, operating with a business flow monitor and a component monitor for collecting data providing information about the operation of said business processes and said hardware and software components.

See the last para. of sect. 2.

10. A computer knowledge system according to claim 9, wherein said knowledge module is arranged for collecting data with respect to at least one of a group comprising:

See pg. 32, last 2 paras.

availability of critical components;

communications performance between
critical components;

critical messages in application and
system log files;

synthetic transaction from end user
view;

application and system processes;

database and critical table(s) data
availability; and

system resource availability and
performance.

11. A computer knowledge system
according to claim 1, wherein said
user interface is arranged for providing
said information on an automated
basis comprising at least one of a
group including: a notification
message; a standard report;

an HTML page; and a trouble ticket.

See sect. 4, para. 1.

12. A computer knowledge system according to claim 11, wherein said information towards said user interface is provided on a subscription basis.

Jennings does not specifically mention that his system provides for a subscription basis; however, the feature is considered inherent via the example provided. The example, mentions a British Telecom customer, (see sect. 4) Which inherently is a subscriber of service (on a subscription basis).

13. A computer knowledge system according to claim 11, wherein said user interface is at least one of a group comprising: a computer screen;

See fig. 3, specifically item VC(1-3).

a mobile telephone; a pager;

a fax; and a panel.

14. A computer knowledge system according to claim 13, wherein said user interface forms part of said computer environment.

See fig. 3

15. A computer knowledge system according to claim 11, wherein said information towards said user interface is provided if said impact on the operation of said business processes exceeds a predetermined threshold

See the last 2 paras. of sect. 4.

value.

In reference to claims 16-21, see the rejection of claims 1-6 above.

As per claims 22-25, see the rejection of claims 1-4.

The features of claim 26 are taught via claim 6.

In reference to claims 27-28, see the rejection of claim 1 above.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jennings (ACM ref.) as applied to claim 11 above, and further in view of Lewis & Frey (IEEE ref.)

Assuming that there is a remote possibility that Jennings customers may not be interpreted as subscribers, the feature is taught by Lewis in an analogous art to enable varying degrees of service to specific customers (subscribers) by monitoring events that

occur on the system (hardware and software), see the first paragraph on the right hand side of page 385. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to utilize Lewis' subscriber based maintenance system in Jennings system to ensure that error that may cause downtime is reduced for the largest group of subscribers of a telecommunication network, see the last two paragraphs of page 387.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Chavis whose telephone number is (703) 305-9665. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703) 305-9662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Jc
September 16, 2004

A handwritten signature in black ink, appearing to read "John Chavis". The signature is fluid and cursive, with a long horizontal stroke at the end.

JOHN CHAVIS
PATENT EXAMINER
ART UNIT 2124